

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-10-77-GF-BMM-01

Plaintiff,

vs.

DORAN FLYNN,

Defendant.

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 23, 2015. (Doc. 70.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 22, 2015. (Doc. 66.) Flynn admitted that she violated conditions of her supervised release.

The violations are serious and warrant revocation of Flynn's supervised release.

Judge Johnston recommends that this Court revoke Flynn's supervised release and that the Court sentence Flynn to four (4) months imprisonment followed by three (3) months of supervised release. (Doc. 70 at 6.)

Flynn registers a criminal history category of I. The current offense registers as a Grade C violation, and the underlying offense registers as a Class D felony. The Court could sentence Flynn to a maximum of 24 months imprisonment under the statute. Under the applicable guideline, the Court could impose a sentence of three to nine months imprisonment. Flynn could be placed on supervised release for up to 32 months, less any custody time imposed.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Flynn's violations of her conditions are a serious breach of the Court's trust. A sentence of four (4) months imprisonment with a term of three (3) months of supervised release to follow represents a sufficient, but not greater than necessary, sentence.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 70) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Doran Flynn shall be sentenced to **four (4) months imprisonment** followed by **three (3) months of supervised release**.

DATED this 19th day of January, 2016.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" below it, both starting with a capital letter.

Brian Morris
United States District Court Judge